

## **REMARKS**

### **I. Status of the claims**

Claims 1-104 were pending in the application prior to the filing of this response. Claims 23-52 and 102-104 have been allowed. The Examiner has objected to claims 21, 73 and 95 as being dependent upon rejected claims, and the remaining pending claims stand rejected.

With this amendment, claims 1, 23, 53, 100 and 101 have been amended. No new matter has been introduced, and thus, entry and consideration of this Amendment are respectfully requested.

### **II. Examiner Interview**

Applicants thank the Examiner for setting aside time for an Examiner Interview on May 10, 2007. During this discussion, Applicants presented both arguments and proposed amendments for consideration by the Examiner. The Examiner was able to provide guidance as to whether the proposed arguments and/or amendments might traverse the rejections still pending in the prior Office Action. Applicants have attempted to expedite prosecution by amending the present application in view of these comments provided by the Examiner. Again, Applicants greatly appreciate the information freely given by the Examiner during the Examiner Interview.

### **III. Allowable Subject Matter**

Claims 23-52 and 102-104 have been allowed. Claims 21, 73 and 95 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge the allowance of claims 23-52 and 102-104, and further reserve the right to amend claims 21, 73 and 95, as suggested by the Examiner, at a later time.

### **IV. Claim Rejections - 35 U.S.C. § 101**

Claims 1, 23, 53, 100 and 101 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. More specifically, the Examiner seems to assert that these claims, while not expressly being directed to software, are in actuality reciting limitations of the invention that may only be accomplished via a software application.

In response to this rejection, and in order to expedite prosecution, Applicants have amended the claims in accordance with the proposed claim amendments to claims 1, 23, 53, 100 and 101 discussed in the May 10, 2007, Examiner Interview. At that time, the Examiner thought that these amendments would resolve any existing 35 U.S.C. § 101 issues in these claims.

In view of the above, Applicants believe that no further formal issues exist in the claims, and therefore, respectfully request that the 35 U.S.C. § 101 rejection now be withdrawn.

**V. Claims Rejection – 35 U.S.C. § 102(b)**

Claims 1-20, 22, 53-72, 74-94 and 96-101 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,144,962 to Weinberg, *et al.* (hereafter, “Weinberg”). More specifically, the Examiner contends that the Weinberg reference anticipates each and every limitation of claims 1-20, 22, 53-72, 74-94 and 96-101.

Initially, Applicants note that the Examiner maintained the anticipation rejection despite the arguments presented in the previous response. These arguments set forth, *inter alia*:

“The rejection argues that each and every aspect of the aforementioned claims is anticipated, however, Applicants contend that at least the “user” initiated aspects of the present invention, as claimed, are neither recited nor implied in Weinberg. For example, claim 1 recites: “receiving a user instruction for initiating creation of the new node via a user interface,” and “receiving node information from the user,” which is missing from the Weinberg system. The Examiner relies upon column 2, lines 27-67 and FIG. 2 of the Weinberg reference, wherein a description of the mapping layout in the Weinberg visualization engine is described. This description also explains that the size of a node may be indicative of the number of links going out from each node. Nowhere in this description does it recite or imply that any of the visualization mapping information originates from a user. On the contrary, it appears that the display creation is totally automated in Weinberg, and that at no point is information provided by a user in order to create the visual layout of the mapped website (see for example, column 7, line 48-column 8, line 8 and column 9, line 19-column 19, line 15). More specifically, a user may only interact with the visualization after it has been automatically created, however, no user information is utilized during the actual creation of any of the elements within the web site map.”

In responding to the remarks set forth in the previous response, the Examiner relied upon various citations in the Weinberg reference that were also discussed in Applicants' comments. These sections did not appear to contradict the arguments against the rejection presented by Applicants in the last amendment. In fact, the response of the Examiner, as best

understood, seems to coincide with Applicants' assertions as set forth above. See, for example, the Examiner's arguments presented on pages 7 and 8 of the Final Office Action, wherein the Examiner's citations actually support Applicants' arguments that Weinberg, while mentioning some operational features of the software, does not recite or imply "receiving a user instruction for initiating creation of the new node via a user interface," and "receiving node information from the user," since no information used to create the map originates from a user.

Regardless of any dispute that Applicants may have with the interpretation and application of Weinberg in the previously discussed rejection, in order to expedite prosecution, Applicants now respectfully request reconsideration of independent claims 1, 23, 53, 100 and 101 in view of the amendments now presented for consideration herein. These claims have been amended both in an effort to correct any issues with regard to the 35 U.S.C. § 101 rejection, as previously discussed, and also to further clarify at least one distinguishable aspect of the present invention over Weinberg, wherein the node information may include at least node linkage information and node name information. No new matter has been introduced in this amendment. Support for node linkage information and node name information may be found, for example, on pages 20-21 of the specification, wherein an exemplary process for creating a node is disclosed.

During the May 10, 2007, Examiner Interview, the Examiner commented that an amendment including node linkage and/or identification information, such as the amendment now presented herein, may distinguish the present invention from the previously cited references, taken alone or in combination. This belief is in accordance with the previous comments and/or arguments set forth by Applicants wherein no information used in the creation of maps in the Weinberg system is provided by a user. Instead, Weinberg automatically seeks out information from Internet web sites, the information being used to graphically depict web page architecture.

In view of the above, Applicants assert that at least independent claims 1, 23, 53, 100 and 101 are distinguishable from all of the references cited, taken alone or in combination, and therefore, withdrawal of the 35 U.S.C. § 102(b) rejection is respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4030. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 4208-4030. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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